

## REMARKS

Notwithstanding Applicant's previous response and distinguishing remarks, the FINAL Office Action and Advisory Action have continued to reject all claims 1-20. In response, Applicant has amended the independent claims, thereby rendering the rejections moot. Notwithstanding, Applicant sets for the following additional distinguishing remarks.

### **Response to Rejections under 35 U.S.C. 102**

Claims 1, 3-9, 11-18 and 20 are rejected under U.S.C. 102(b) as allegedly anticipated by Okabe et al. (US Patent No. 6,535,778). Applicant respectfully requests reconsideration in view of the foregoing amendments and the following remarks.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990).

Okabe, however, does not disclose each and every element of independent claims 1, 9, and 16 of the invention. Applicant, therefore, respectfully traverses this rejection on the grounds that Okabe does not disclose each and every element of independent claims 1, 9, and 16 of the invention. In addition, Okabe does not recognize certain advantages of the claimed embodiments.

Among the rejected claims, claims 1, 9, and 16 are independent. Remarks are provided regarding to patentability of the independent claims and claims depended thereto, respectively.

**The tool stocking and sorting system is not disclosed by Okabe**

The Final Office Action (page 2) states that Okabe teaches “a tool stocking and sorting system”. Okabe, however, teaches nothing about handling “tools”, let along a system and method for tool stocking and sorting.

The lots taught by Okabe and the tools taught in the claimed embodiments are different in nature. The lot taught by Okabe is the subject matter that is actually being processed; while the tool taught in the claimed embodiments is used during process procedures but not being processed itself, and can be reused repeatedly. Because the tools can be reused, a difference in usage frequency is generated among different tools. The claimed embodiments provide three distinct storages (i.e., the “first tool storage”, “second tool storage”, and “third tool storage”) for storing tools from currently in use to left unused. Because of the difference in nature, the method of handling tools taught by the claimed embodiments cannot be anticipated by the method of processing lots taught by Okabe. Accordingly, the “tool stocking and sorting system and method” of claims 1, 9 and 16 are not disclosed by Okabe.

**The third tool storage is not disclosed by Okabe**

The Final Office Action (page 2) alleges that Okabe teaches “first tool storage”, “second tool storage”, and “third tool storage” (See Column 2, lines 44-52, and Fig. 9 of Okabe).

In fact, in column 2, lines 44-52, and Fig. 9 of Okabe, Okabe teaches “a hold stocker for holding each lot in a standby state”. The hold stocker is used to hold a preceding lot and a subsequent lot in a standby state. In addition, in lines 48-50, Okabe teaches “a pre-treatment processing equipment for pre-treating each lot brought out from said hold stocker on the basis of standby release order”.

According to Okabe, the hold stocker stores each and every lot which is to be processed by the pre-treatment processing equipment. In contrast, the “third tool storage” of the claimed embodiments is used to store tools not in use. The lots stored in the hold stocker of Okabe, however, are in “a standby state”, and are going to be treated by the pre-treatment processing equipment on the basis of standby release order. For one skilled in the art, “a hold stocker for holding each lot in a standby state” (Column 2, lines 44-52, and Fig. 9 of Okabe) does not disclose the technical features of the third tool storage storing tools not in use (claims 1, 9, and 16).

Accordingly, the “third tool storage” of claims 1, 9, and 16 is not disclosed by Okabe. For at least this additional reason, the rejections of these independent claims should be withdrawn.

**The host system is not disclosed by Okabe**

The Final Office Action (page 2) alleges that Okabe teaches "a host system (11) adapted to re-locate the first, second, and third tools among the first, second, and third storages as a function of demand data pertaining to a product corresponding to the respective tool" (See column 8, lines 32-34).

However, in column 8, lines 32-34, Okabe teaches a FA computer and equipment control terminal 16. The FA computer 11 comprises a reference information storage section 13, a product in-process information storage section 14, a collected data storage section 15, and an arithmetic unit control section 12. These components of FA computer 11 have nothing to do with "tools" used in the manufacturing process. There, the FA computer 11 has nothing to do with "tool" of claims 1, 9 and 16.

For one skilled in the art, lot treatment control provided by Okabe does not disclose the technical features of the "tool stocking and sorting system and method" of the invention. Accordingly, the FA computer of Okabe is different from the host system of claim 1. Thus, the host system of claim 1 is not disclosed by Okabe.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Okabe does not disclose each element of the claims 1, 9 and 16. Accordingly, the embodiments of claims 1, 9, and 16 are not anticipated by the cited prior art, and the rejections of claims 1, 9, and 16 should be withdrawn. All remaining claims depend from either claim 1, 9, or 16. Therefore, the rejections of these remaining claims should be withdrawn as well.

**Response to Rejections under 35 U.S.C. 103**

Claims 2, 10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okabe et al. in view of Wiesler et al. (US Patent Application Publication #2001/0047222).

Claims 2, 10, and 19 are canceled, thereby rendering the rejections of those claims moot.

**Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and the timely allowance of claims.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

A credit card form is provided herewith to cover the fee associated with the accompanying RCE application. No additional fee is believed to be due in connection with this submission. If, however, any additional fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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